United Nations CRC/C/OPAC/URY/CO/1

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Uruguay under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

1. The Committee considered the initial report of Uruguay (CRC/C/OPAC/URY/1) at its 1956th meeting (see CRC/C/SR.1956), held on 20 January 2015, and at its 1983rd meeting, held on 30 January 2015, adopted the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPAC/URY/Q/1/Add.1). The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's combined third to fifth periodic report under the Convention on the Rights of the Child (CRC/C/URY/CO/3-5) and on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/URY/CO/1), adopted on 30 January 2015.

II. General observations

Positive aspects

4. The Committee welcomes the accession or ratification by the State party of the following:

(a) The Arms Trade Treaty on 25 September 2014;

* Adopted by the Committee at its sixty-eighth session (12–30 January 2015).

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(b) The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, in February 2008;

(c) The Rome Statute of the International Criminal Court, in June 2002;

5. The Committee welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular:

(a) The declaration made under the Optional Protocol that the minimum age for conscription is 18 years;

(b) The adoption of the Framework Defence Act No. 18650 on 19 February 2010, which established that military instruction and military service shall be voluntary.

Coordination

6. The Committee is concerned that the State party has not designated a coordinating body responsible for monitoring the implementation of the Optional Protocol.

7. **The Committee recommends that the State party designate a national body with sufficient capacity and authority to coordinate the implementation and evaluation of activities under the Optional Protocol at the cross-sectoral, national, state and local levels.**

Dissemination and awareness-raising

8. The Committee is concerned that there are no targeted efforts to educate children and the public at large on the provisions and principles of the Optional Protocol.

9. **The Committee recommends that the State party undertake concrete measures to expand awareness and increase knowledge of the Optional Protocol, such as producing information material on the Optional Protocol.**

Training

10. The Committee is concerned at the absence of systematic training programmes on the provisions of the Optional Protocol addressed to all relevant professional working with and/or for children, in particular military personnel, border immigration personnel, and social workers.

11. **In line with its concluding observations under the Convention (CRC/C/URY/CO/3-5, para. 23), the Committee recommends that the State party ensure that the provisions of the Optional Protocol are included in the training programmes addressed to all relevant professionals working with and/or for children, in particular, military personnel, border and immigration personnel, and social workers.**

III. Prevention

Military schools

12. The Committee notes that military schools follow the plans and programmes established by the Ministry of Education and Culture and have a theoretical military education which does not involve the use of arms. The Committee is, nevertheless, concerned that children may be registered in these schools against their own will. The Committee is also concerned about the lack of an independent complaints mechanism for its students.

13. **The Committee recommends that the State party take all necessary measures to ensure that no child is registered in military schools against his or her own will. It also recommends that the State party ensure that children attending military schools have effective access to an independent complaints and investigation mechanism.**

Human rights and peace education

14. While noting that the State party has incorporated courses on human rights in the military schools, the Committee is concerned about the lack of a comprehensive and systematic human rights and peace education in the military schools or in the teachers' training programmes.

15. **With reference to its General Comment No. 1 (2001) on the aims of education, the Committee recommends that the State party take effective measures to include human rights and peace education in school curricula with a view to promoting a culture of peace and tolerance and to develop training for teachers to teach human rights and peace.**

IV. Prohibition and related matters

Prohibition of recruitment

16. The Committee notes as positive the exclusion by law of the possibility of persons under the age of 18 years from serving in the armed forces, either for compulsory or voluntary recruitment, and the fact that there can be no exceptions to the age requirement. The Committee is, however, concerned that the recruitment and use in hostilities of children under the age of 18 years by the State armed forces and non-State armed groups has still not been criminalized and that recruitment of children under the age of 15 has not been incorporated as a war crime in the State party's legislation.

17. **The Committee urges the State party to explicitly criminalise the recruitment and use in hostilities of children under the age of 18 in the State Armed Forces and non-State armed groups and ensure that penalties are commensurate with the gravity of the crime. The Committee recommends that the State party include in its criminal legislation, as a war crime, the conscription or enlistment of children under the age of 15 into the national armed forces or using them to participate actively in hostilities.**

Extraterritorial jurisdiction

18. The Committee is concerned that there are no legal provisions that provide for extraterritorial jurisdiction for offences under the Optional Protocol.

19. **The Committee recommends that the State party take all necessary measures to ensure that domestic legislation explicitly enables it to establish and exercise extraterritorial jurisdiction over all offences under the Optional Protocol, including the recruitment and use of children in armed conflict.**

V. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

20. The Committee is concerned about the lack of measures to identify refugee, asylum-seeking and migrant children that have been or can be at risk of being recruited or used in armed conflict, as well as the lack of specific physical and psychological recovery and reintegration programmes for victims of offences covered by the Optional Protocol.

21. **The Committee recommends that the State party establish an effective identification mechanism for children who may have been recruited and/or used in hostilities, including refugee and asylum-seeker children, and whenever relevant ensure that child victims of the offences under the Optional Protocol are provided with adequate assistance for their physical and psychological recovery and social reintegration. The Committee encourages the State party to seek technical assistance from the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Refugees for the implementation of these recommendations.**

VI. International assistance and cooperation

International cooperation

22. **The Committee recommends that the State party strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with UNICEF and other United Nations entities in the implementation of the Optional Protocol.**

VII. Follow-up and dissemination

23. **The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, inter alia, transmitting them to the General Assembly, relevant ministries, including the Ministry of Defence, the Supreme Court, and to local authorities, for appropriate consideration and further action.**

24. **The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.**

VIII. Next report

25. **In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.**